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| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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|---------------|-------------|----------------------|---------------------|

07/061,813 10/16/92 WEISS

9 A-51/006/0017

EXAMINER

18N2/0928

FLEHR, HOBACH, TEST,
ALBRITTON & HERRICK
STE. 3400, FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

| ART UNIT | PAPER NUMBER |
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1804

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DATE MAILED: 09/28/93

09/28/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire new (0) month(s), thirty (30) days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-35 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-35 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-17, 25-35, drawn to a method of remyelinating neurons, and the remyelinated neurons, classified in Class 435, subclass 240.2, for example.

II. Claims 18-24, drawn to a method of treating demyelinating disease, classified in Class 424, subclass 93+, for example.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are independent and distinct for the following reasons. Invention II, drawn to a method of treating a demyelinating disease, does not require the cells of Invention I since other methods of treating demyelinating disease, for example, by therapeutic drug treatment, are known in the art. Further, the remyelinated cells of Invention I may be used in a materially different process other than treatment of demyelinating diseases, for example, propagation of other myelinated cells.

Because these inventions are distinct for the reasons given above and acquired a separate status in the art as shown by their different classification, recognized divergent subject matter and separate search requirements, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

A telephone call was made to Mr. Brezner on September 8, 1993, to request an oral election to the above restriction requirement, but did not result in an election being made.


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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment
5 of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Papers related to this application may be submitted to Group 1800 by facsimile transmission. Papers should be faxed to Group 1800 via the PTO Fax center located in Crystal Mall 1. The faxing of such papers must conform
10 with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703)308-4227.

An inquiry concerning this communication should be directed to Examiner Suzanne Ziska, Ph.D., at telephone number 703-308-1217.


SUZANNE E. ZISKA
PRIMARY EXAMINER
GROUP 1800
9/24/93